

# EXHIBIT 4

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

US ex re. VEN-A-CARE OF THE )  
FLORIDA KEYS, INC., )  
 )  
Plaintiffs, )  
 )  
vs ) NO.  
 ) 07-CV-11618-PBS  
ABBOTT LABORATORIES, INC., )  
 )  
Defendants. )  
 ) MDSL No. 1456  
 ) No. 01-12257-PBS  
 )

The deposition JOHN CHRISTOPHER PAVLIK  
taken in the above-entitled cause before Denise A.  
Andras, a notary public within and for the County  
of Cook and State of Illinois, taken pursuant to  
the Federal Rules of Civil Procedure for the  
United States District Courts, at 77 West Wacker  
Drive, Chicago, Illinois, on the 22nd day of  
January, A.D., 2009, scheduled to commence at  
9:00 o'clock a.m.

Page 58

1 A. Not always. I know it was expected  
2 to be there. They had asked for it.

3 Q. Did you have some awareness of why  
4 they were expecting it to be on the sheets?

5 MR. BERLIN: Objection, form,  
6 foundation.

7 BY THE WITNESS:

8 A. I would say honestly, no, not  
9 completely. I think there was inference, but  
10 never a hundred percent positive.

11 BY MR. ANDERSON:

12 Q. What was your inference?

13 A. Inference would be they would want  
14 to know from a third-party plan perspective, you  
15 know, and then the other thing they wanted to  
16 know, some customers I know, one of mine  
17 specifically, would say we priced to our customers  
18 off of AWP. So that was the only customer that I  
19 can recall where that was important.

20 Q. You just referenced third-party  
21 plans in your testimony. Are you referring to  
22 third-party plans like private insurance or  
23 government programs like Medicaid that reimbursed  
24 for drugs?

Page 59

1 A. I would mostly be looking at  
2 third-party managed care plans, not Medicaid.

3 Q. Like private insurance?

4 A. Yes.

5 Q. But drug reimbursement nonetheless?

6 A. Yes.

7 Q. And you don't have any reason to  
8 testify that customers wanted AWP's on the stocking  
9 sheets, only to gauge private insurance  
10 reimbursement, do you?

11 A. I'm not really sure why they wanted  
12 it, to be honest with you.

13 Q. But you did know that they wanted it  
14 for third-party reimbursement purposes?

15 A. Not totally. That was just --

16 Q. That was your inference?

17 A. Yeah.

18 Q. Okay. Let's take a look, if we  
19 could, at what's been marked as Exhibit 1.

20 (Document marked as  
21 Exhibit No. 1 for  
22 identification.)  
23  
24

Page 60

1 BY MR. ANDERSON:

2 Q. Do you recognize the type of  
3 document that's been marked as Pavlik Exhibit 1?

4 A. I'm assuming that I saw this at one  
5 time since it's NAM, but I don't remember it  
6 specifically.

7 BY MR. ANDERSON:

8 Q. You don't remember this specific --  
9 these two pages, but do you remember this type of  
10 document?

11 A. Yes.

12 Q. Okay. And it's titled NAM mission  
13 statement for a new product launch, correct?

14 A. Yes.

15 Q. And then it lists some elements of a  
16 new product launch, correct?

17 A. Yes.

18 Q. Are those elements that are listed  
19 there consistent with your experience?

20 MR. BERLIN: Is there a time period?

21 BY MR. ANDERSON:

22 Q. Over your tenure as a NAM.

23 A. I would say on new product launches,  
24 most of this stuff has been there for most of the

Page 61

1 part.

2 Q. Okay. Looking at the bullet points,  
3 I noticed lower-middle part of the list there is a  
4 bullet that reads "pricing"?

5 A. Yes.

6 Q. Are you with me there?

7 A. Uh-huh.

8 Q. And then it says, "WAC list and  
9 estimated AWP," is that correct?

10 A. Yes.

11 Q. And is that consistent with your  
12 memory that prior to a launch, Abbott would set  
13 those prices?

14 A. I would say in the 90's possibly.  
15 Certainly not today.

16 Q. What about in the 80's?

17 A. I really don't -- I don't remember.

18 Q. You are not remembering that far  
19 back?

20 A. Yes, I don't think we had a whole  
21 lot of new products in the late 80's when I first  
22 started this job.

23 Q. Which of those prices, WAC, list and  
24 estimated AWP is Abbott currently not setting?

16 (Pages 58 to 61)

<p style="text-align: right;">Page 62</p> <p>1 A. AWP.</p> <p>2 Q. Is there a difference between AWP</p> <p>3 and estimated AWP?</p> <p>4 A. I'm not sure.</p> <p>5 Q. What department did you understand</p> <p>6 was responsible for setting the estimated AWP at</p> <p>7 Abbott?</p> <p>8 A. I'm not sure of that either. I'm</p> <p>9 not sure who did that. I just know it was always</p> <p>10 on the sheets back then.</p> <p>11 Q. And these were sheets that were</p> <p>12 coming from Abbott obviously?</p> <p>13 A. Yes.</p> <p>14 Q. So somebody at Abbott was creating</p> <p>15 an estimated AWP?</p> <p>16 MR. BERLIN: Objection, form.</p> <p>17 BY THE WITNESS:</p> <p>18 A. Potentially yes.</p> <p>19 MR. BERLIN: Well, he is asking if</p> <p>20 you know or not.</p> <p>21 THE WITNESS: I'm not sure if it</p> <p>22 came from somebody at Abbott or somebody</p> <p>23 else. I'm not sure.</p> <p>24</p>	<p style="text-align: right;">Page 64</p> <p>1 A. I don't know that.</p> <p>2 Q. Do you know that Abbott was not</p> <p>3 sending AWP's?</p> <p>4 A. I don't know that either.</p> <p>5 Q. So if the documents show Abbott</p> <p>6 sending AWP's to the compendia, that -- you don't</p> <p>7 have any information to disagree with the</p> <p>8 documents, do you?</p> <p>9 MR. BERLIN: Well, hold on a second.</p> <p>10 Objection to form and objection to -- I</p> <p>11 mean, if you have documents that say and you</p> <p>12 want him to see it, show it to him. I mean</p> <p>13 it's like saying to a murderer -- someone</p> <p>14 who is accused, if we had a picture of you</p> <p>15 pulling the trigger of a gun, you wouldn't</p> <p>16 have any reason to believe -- either he</p> <p>17 knows or he doesn't.</p> <p>18 MR. ANDERSON: Well, you can</p> <p>19 object, Eric, and he can answer the</p> <p>20 question.</p> <p>21 MR. BERLIN: I agree. But I think</p> <p>22 it's sort of a harassing, abusive</p> <p>23 question, and that's why I stated a</p> <p>24 longer objection. You can answer if you</p>
<p style="text-align: right;">Page 63</p> <p>1 BY MR. ANDERSON:</p> <p>2 Q. But you know it was appearing on</p> <p>3 sheets that were printed by Abbott?</p> <p>4 A. On new products, yes. That's where</p> <p>5 I remember seeing estimated AWP's.</p> <p>6 Q. Looking down the list of elements of</p> <p>7 a product launch, do you see the last bullet</p> <p>8 reads, "notification to data service companies"?</p> <p>9 A. Yes.</p> <p>10 Q. And then there's a parenthetical by</p> <p>11 pricing to Medispan, First Data Bank, et cetera,</p> <p>12 did I read that correctly?</p> <p>13 A. Yes.</p> <p>14 Q. Did you understand that these</p> <p>15 estimated AWP's were being set by Abbott and then</p> <p>16 sent to the data companies like First Data Bank?</p> <p>17 MR. BERLIN: Objection, form.</p> <p>18 BY THE WITNESS:</p> <p>19 A. I knew we were probably sending a</p> <p>20 WAC price to them, and they were probably setting</p> <p>21 the final AWP.</p> <p>22 BY MR. ANDERSON:</p> <p>23 Q. Do you know, sir, whether or not</p> <p>24 Abbott was sending AWP's?</p>	<p style="text-align: right;">Page 65</p> <p>1 can.</p> <p>2 THE WITNESS: Why don't you restate</p> <p>3 it?</p> <p>4 MR. ANDERSON: Sure.</p> <p>5 BY MR. ANDERSON:</p> <p>6 Q. Sir, if there are documents that</p> <p>7 show Abbott reporting AWP's to the compendia, do</p> <p>8 you have any information to contradict that Abbott</p> <p>9 was sending AWP's to the compendia?</p> <p>10 MR. BERLIN: Same objection.</p> <p>11 BY THE WITNESS:</p> <p>12 A. All I can tell you is that I believe</p> <p>13 we sent -- I don't know what we sent to the</p> <p>14 compendia, other than a WAC price. I don't know</p> <p>15 anything beyond that. It's really not my job.</p> <p>16 BY MR. ANDERSON:</p> <p>17 Q. Why was it that the data service</p> <p>18 companies like Medispan and First Data Bank and</p> <p>19 Red Book were notified of a product launch?</p> <p>20 A. Primarily so they would get it into</p> <p>21 the pharmacy systems and the various customers out</p> <p>22 there who get their pharmacy updates, get their</p> <p>23 pricing information, the NDC, so they can load it</p> <p>24 into their pharmacy system.</p>

17 (Pages 62 to 65)